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7 **BEFORE THE**  
8 **STRUCTURAL PEST CONTROL BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2015-5

12 **ARMANDO VELIZ**  
13 **1848 Capital Street**  
14 **Corona, CA 92880**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

15 **Field Representative License No. FR 44992**  
16 **Applicator License No. RA 47332**

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about August 18, 2014, Complainant Susan Saylor, in her official capacity as  
20 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer  
21 Affairs, filed Accusation No. 2015-5 against Armando Veliz (Respondent) before the Structural  
22 Pest Control Board. (A copy of the Accusation is attached as Exhibit A.)

23 2. On or about December 7, 2009, the Structural Pest Control Board (Board) issued  
24 Field Representative License No. FR 44992 in Branch 2 to Respondent, as an employee of Team  
25 Too – Team Termite and Pest Control, Inc. The Field Representative License was in full force  
26 and effect at all times relevant to the charges brought in Accusation No. 2015-5 and will expire  
27 on June 30, 2015, unless renewed.

28 3. On or about May 7, 2007, the Structural Pest Control Board issued Applicator  
License No. RA 47332 in Branches 2 and 3 to Armando Veliz (Respondent), employee of Team  
Too – Team Termite and Pest Control, Inc. The Applicator License was downgraded on

1 December 7, 2009 to include only Branch 3 when Respondent's Field Representative License was  
2 issued. The Applicator License expired on December 9, 2009, and has not been renewed. The  
3 Applicator License was cancelled on May 7, 2013.

4 4. On or about August 21, 2014, Respondent was served by Certified and First Class  
5 Mail copies of the Accusation No. 2015-5, Statement to Respondent, Request for Discovery, and  
6 Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's  
7 address of record which, pursuant to Business and Professions Code section 136 and California  
8 Code of Regulations, title 16, section 1911, is required to be reported and maintained with the  
9 Board. Respondent's address of record was and is:

10 1848 Capital Street  
11 Corona, CA 92880

12 5. On or about August 21, 2014, Respondent was served the aforementioned documents  
13 by Certified and First Class Mail to his last known employer which was: Team Too, P.O. Box  
14 1954, Corona, CA 92878-1954.

15 6. Service of the Accusation was effective as a matter of law under the provisions of  
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
17 124.

18 7. On or about September 5, 2014, the aforementioned documents served to  
19 Respondent's address of record were returned by the U.S. Postal Service marked "Not  
20 Deliverable as Addressed – Unable to Forward." The address on the documents was the same as  
21 the address on file with the Board.

22 8. On or about September 8, 2014, the aforementioned documents served to  
23 Respondent's former employer were returned by the U.S. Postal Service with the handwritten  
24 note "Not a valid address – No Such Person at This Address."

25 9. Respondent failed to maintain an updated address with the Board and the Board has  
26 made attempts to serve the Respondent at the address on file. Respondent has not made himself  
27 available for service and therefore, has not availed himself of his right to file a notice of defense  
28 and appear at hearing.

10. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

11. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2015-5.

12. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

13. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2015-5, finds that the charges and allegations in Accusation No. 2015-5, are separately and severally, found to be true and correct by clear and convincing evidence.

14. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$522.50 as of September 23, 2014.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Armando Veliz has subjected his Field Representative License No. FR 44992 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to revoke Respondent's Field Representative License based upon the following violations alleged in the Accusation which are supported by the Default Decision Investigatory Evidence Packet in this case.

1           a.     Respondent is subject to disciplinary action under sections 498 and 8637 of the  
2 Code in that he secured his Field Representative License by fraud, deceit, or knowing  
3 misrepresentation of a material fact when he signed his "License Renewal Application –  
4 Representative" for Field Representative License number FR 44992, declaring under penalty of  
5 perjury under the laws of the State of California that his information was true and correct, that  
6 Respondent completed 16 hours of continuing education required for the renewal of his license,  
7 and failed to provide proof that the continuing education had been completed when directed by  
8 the Board to do so.

9           b.     Respondent is subject to disciplinary action under section 8641 of the Code,  
10 and California Code of Regulations, title 16, section 1950, in that he failed to comply with the  
11 provisions of the Structural Pest Control Act. Respondent's conduct violated Business and  
12 Professions Code section 8593, which required Respondent, as a condition to the renewal of his  
13 Field Representative License, to submit proof that he complete a minimum of 16 hours of  
14 continuing education in pest control approved by the Board or equivalent activity approved by the  
15 Board within the three-year renewal period.

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ORDER

IT IS SO ORDERED that Field Representative License No. FR 44992 and Applicator License No. RA 47332, heretofore issued to Respondent Armando Veliz, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 14, 2014.

It is so ORDERED November 14, 2014

  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID: SD2014707416

Attachment:  
Exhibit A: Accusation